

SENATE—Tuesday, September 21, 1999

The Senate met at 2:15 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Father Paul Lavin, pastor of St. Joseph's Catholic Church on Capitol Hill, Washington, DC, will now lead us in prayer.

PRAYER

The guest Chaplain, Dr. Paul Lavin, offered the following prayer:

In the words of Saint Paul's letter to the Romans we hear:

For by the grace given to me I tell everyone among you not to think of himself more highly than one ought to think, but to think soberly, each according to the measure to faith that God has apportioned. For as in one body we have many parts, and all the parts do not have the same function, so we, though many, are one body in Christ and individually parts of one another. Since we have gifts that differ according to the grace given us, let us exercise them: if prophecy, in proportion to the faith; if ministry, in ministering, if one is a teacher, in teaching; if one exhorts, in exhortation; if one contributes, in generosity; if one is over others, with diligence; if one does acts of mercy, with cheerfulness.

Let us pray.

Direct, O Lord all our actions by Your inspiration and carry them on by Your assistance so that every prayer and action may begin in You and by You be happily ended. Glory and praise to You for ever and ever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JAMES INHOFE, a Senator from the State of Oklahoma, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Utah, Mr. BENNETT, is recognized.

SCHEDULE

Mr. BENNETT. Mr. President, today the Senate will be in a period of morning business until 5:30 p.m. Under a previous order, the time between 4:15 and 5:30 is equally divided between Senators HATCH and TORRICELLI.

DIVISION OF TIME

I now ask unanimous consent that the time be equally divided between Senators HATCH and LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. There will be at least one vote on a motion to invoke cloture on the bankruptcy bill, with the possibility of a second vote on a motion to invoke cloture on the judicial nomination of Ted Stewart.

Following the votes, the Senate may begin consideration of the Department of Defense authorization conference report. Under the order, there are 2 hours of debate which may begin tonight, with a vote occurring tomorrow morning.

For the remainder of the week, the Senate will begin consideration of the HUD-VA appropriations bill and complete action on the Interior appropriations bill.

I thank my colleagues for their attention.

MEASURE PLACED ON CALENDAR

Mr. BENNETT. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 17) to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes.

Mr. BENNETT. Mr. President, I object to further proceedings on the bill at this time.

The PRESIDING OFFICER. The bill will go to the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 5:30 p.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 3:15 shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

Who seeks recognition?

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, will the Senator from Iowa yield for a moment to allow me to propound a unanimous consent request?

Mr. HARKIN. I yield.

UNANIMOUS CONSENT AGREEMENT—S. 625

Mr. DORGAN. Mr. President, I ask unanimous consent that on the bankruptcy bill which is before the Senate all first-degree amendments must be filed by 3:15 p.m. and second-degree amendments be filed by 5:30 p.m. My understanding is both the majority and minority have cleared this unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

EDUCATION FUNDING

Mr. HARKIN. Mr. President, on January 6 of this year, the majority leader stood on the Senate floor and told us that education would be a high priority for the Senate. This is exactly what he said:

Education is going to be a central issue this year. Democrats say it is important and it will be a high priority. Republicans say it will be a high priority.

I am sorry to say Republicans cannot make that claim today. I want to take a few moments this afternoon, along with some of my colleagues, to assess where education is on the leadership's priority list.

We have less than 7 legislative days, and that is counting Mondays and Fridays—we do not do much on Mondays and Fridays—before the end of the fiscal year. There is one Education bill that must be enacted, and that is the Education appropriations bill.

Despite proclamations that education will be a top priority, the Senate has been working on all but 1 of the 13 appropriations bills. We have done at least some work on 12 appropriations bills. We have 1 left. Dead last: education. This is a list of all of the appropriations bills:

Military construction, No. 1 on the list—the President has already signed that—leg branch; Treasury; District of Columbia; Transportation; Defense; energy and water; Commerce-Justice-State; Interior; Agriculture; and VA—

HUD, the full committee approved VA-HUD last week, and it will be on the floor this week. Education, no action taken. It is dead last on that list, and education is supposed to be a high priority with the leadership in the Senate? Those are wrong priorities. Education should be at the top of this list, not at the bottom of the list.

Despite a valiant effort by the chairman of our subcommittee, Senator SPECTER, the Education appropriations bill has not even been written. Senator SPECTER has fought every day to move this bill forward. He tried in June, July, August, and September. He tried again last week, and we cannot even meet to mark up the bill.

If that is not bad enough, the leadership has robbed the Education bill to pay for other bills. As a result, we are looking at deep cuts in all of the programs funded by the Labor, Health and Human Services, and Education appropriations bill.

Not only is education dead last on the calendar, it is dead last for resources. Our subcommittee started with an allocation, an allocation we received earlier this year, substantially below a freeze from last year. If that is not bad enough, it is even worse now.

Last week, the leadership staged another raid on education and took \$7.276 billion in budget authority, \$4.969 billion in outlays, from education and other essential priorities in the bill so they can get the VA-HUD bill to committee.

Our subcommittee allocation is \$15.5 billion below a freeze. That means we are facing a whopping 17-percent cut in education.

This chart illustrates that. In fiscal year 1999, the year we are in right now, we had slightly more than \$89 billion. This year, where we stand right now, we have \$73.6 billion. That is a 17.3-percent cut that will be across the board.

What does that impact? A lot of things. Here is one: That cut will impact reducing class size and improving teacher quality. This cut will force communities to lay off 5,246 newly hired teachers. These are the teachers hired this year, for whom we put money in, for reducing class size. They will have to be let go after just 1 year.

Funding will be cut for the Teacher Quality Enhancement Program for 24 States and 52 partnerships to improve recruitment and training of teachers. That is where we are right now.

We came to the Chamber last Thursday and talked about this issue. Later on in the day, the assistant majority leader, Senator NICKLES, came to the Chamber and said:

I would like to correct the record, because I know I heard a number of my colleagues say the Republican budget is slashing education, it's at the lowest end, it's the last appropriation bill we are taking up. Let me correct the record.

He says:

One, the budget the Republicans passed earlier this year had an increase for education. . . .

The budget. We are not talking about the budget. We are talking about actual money. I do not care what the budget said. I want to know where the real money is. When that budget got to our appropriations bill, we were cut below a freeze for last year, and certainly the leadership ought to know that.

Then he said:

The Appropriations Committee has yet to mark up the Labor-HHS bill.

Our Education bill. Not that we have not tried. Senator SPECTER tried in June, July, August, and September to bring it up, and we are not allowed to bring it up. We are not allowed to mark it up.

Mr. NICKLES said:

I understand from Senator SPECTER and others they plan on appropriating \$90 billion. The amount of money we have in the current fiscal year is \$83.8 billion.

That is off a little bit.

He says:

So that is an increase of about \$6.2 billion. . . . That is an increase of about 9 percent. That is well over inflation.

I am quoting Senator NICKLES. Our assistant majority leader says:

I think it is too much. I think we should be freezing spending.

He is talking about education. He says it is too much. He says we have \$90 billion. That is not so. Right now we have a total of \$73.6 billion for our committee. That is it. If Mr. NICKLES has \$90 billion, I wish he would show me the money. We would love to mark it up. We would love to give education an increase.

With all due respect to my friend from Oklahoma, the assistant majority leader, I wholeheartedly disagree with him that we freeze at last year's level of funding for education. I will go into that a little bit later, but we need an increase in education because of what is happening around the country.

Mr. NICKLES said:

I think we should be freezing spending.

That says it all. The leadership is not committed to increased investments in education. If they had their way, according to the assistant majority leader, they would freeze funding for education.

We need additional investments in education. Why? Let's look at it this way: The average school building in the United States is 42 years old; 14 million children attend classes in buildings that are unsafe or inadequate. Enrollment is booming. There are more children in U.S. schools than at any time in our history. Class sizes are expanding. It is not unusual for elementary schools to have 30 to 35 kids in a class.

Our schools are literally bursting at the seams to accommodate the 53.2

million students enrolled in public schools. These students need teachers; they need the latest technology; they need computers in the classrooms if we are going to compete in the next century, in the next millennium.

So when the assistant majority leader says he wants to freeze education funding at last year's level, that says it all. They are not going to make education a priority. They do not care what is happening with the burgeoning classroom sizes.

There are priorities and there are priorities. The leadership found \$16 billion more for the Pentagon. It is interesting that this is \$4 billion even more than what the Pentagon asked for. Having spent a number of years myself in the military and having been on the Appropriations Committee for a number of years, I can say, without any fear of contradiction, I have never seen, nor do I think I will live long enough to ever see, the Pentagon ask for less money than they actually need. They always ask for more money than they need. Yet the leadership said that is not even enough; we are going to give you \$4 billion more.

I have heard one plan after another for how we are going to fund education. The assistant majority leader said we have \$90 billion, but we only have \$73 billion. I do not know where he found this money. I challenge the assistant majority leader to come on the floor and tell us where we get the \$90 billion. I would like to see it.

They are talking about delaying the earned-income tax credit for poor working Americans. How about that for funding education. Talk about robbing Peter to pay Paul.

Then there is talk about cutting Medicaid, or a large across-the-board cut in the bill.

Then we have heard talk about extending the fiscal year; we are going to have another month. We are not going to have 12 months in a year. We are now going to have 13 months in a year. I have even heard grade school kids laughing about that one. That does not pass the laugh test around here.

All I can say is President Clinton sent us a budget that increased funding for education programs which had the offsets necessary so we did not have to raid Social Security and Medicare. It was not as much of an increase as I would like to have seen, but at least it is an increase and not a 17-percent cut. He had the offsets there, too.

In fact, whenever the leadership so deigns that our education subcommittee can meet and mark up our bill, I will propose an offset that will deal with raising \$5.9 billion next year for cutting teen smoking, which has been fully calculated by the CBO to raise that much money. So we get two things: We will cut teen smoking and raise some money for education.

Over the past 5 years, we have had many legislative fights over the education budget. In 1995, the Republican leadership was so insistent on cutting education they shut down the Federal Government to make their point. The American people made their views well known at the time. They said: Do not cut education. As a result, the cuts were restored and additional investments were made. I must say that since 1996, education investments have increased, although the leadership has been dragged, kicking and screaming, to the table every single year. And this year is no exception.

The American people understand this. They are telling us loudly and clearly to make education a top priority. A recent ABC News poll found that three out of four Americans say improving education will be very important in the next election. Another poll, done by the University of Chicago, found that 73 percent of Americans favor increasing Federal investment in education. Yet our assistant majority leader says we need to freeze it. Someone is out of step with the American people.

Lastly, there is one other chart I want to show about what is happening. I continually hear from my constituents in Iowa and from Iowa legislators, and others, that property taxes keep going up all the time. Property taxes are going up. State legislators are feeling the pinch about putting more and more money into education. They are wondering what is happening. This chart shows what is happening.

In fiscal year 1980, of all the money spent in this country on elementary and secondary education, the Federal Government provided 11.9 percent. In 1998, last year, the Federal Government provided only 7.6 percent of the total funding for elementary and secondary education.

The Federal Government, through the 1980s—the Reagan and Bush years and on into this decade—had been cutting the amount of Federal support for elementary and secondary education. This gap from about 11.9 percent to 7.6 percent is made up in property taxes. It is made up in local taxes and State taxes—where they have been asked and see the need to fill in that gap. So we have failed in our responsibility to adequately help our States and local communities fund education.

I see my friend from Hawaii is here. I just want to make one other short comment and I will yield the floor to him.

Last Thursday, the assistant majority leader said something about teachers. He said:

I heard both of my colleagues say—

Being me since I was the one speaking—

“Boy, we need more Federal teachers or more school buildings.”

Then Senator NICKLES said:

Is that really the business of the Federal Government?

I never said we need more Federal teachers. But I did say we need more local teachers. We need more teachers to help reduce the size of classes. I believe that is a legitimate Federal responsibility, going out and helping our local communities. Not a one of those teachers we hired this year to reduce class size works for the Federal Government. They work for local school districts. But we are doing our part in helping.

To say that we need more school buildings is right. There are more children in U.S. schools than at any time in our history—53.2 million students. The average age of our buildings is 42 years old.

Yes, Mr. NICKLES, we need some newer schools, more schools, and we need some more computers in classrooms; we need more qualified teachers and more teachers to reduce class size. But, again, education is last on the list.

Last, we are facing the end of the year. We have a 17-percent cut where we stand right now in education—dead last. So much for Republican priorities on education.

I yield the floor.

Do I control the time, Mr. President?

The PRESIDING OFFICER. The time was allocated to the Senator from Illinois, Mr. DURBIN, or his designee.

Mr. HARKIN. I ask unanimous consent that I be allowed to yield whatever time he may consume to the Senator from Hawaii.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise to add my voice to others who are calling for increases in education funding. Our investment in the education of future generations that will someday run this country cannot be undervalued. We must ensure the best education for our young people. However, this will not happen if we undermine education as a priority by cutting funding for schools, classrooms, and students. This funding would be deeply reduced for years to come without a veto of the tax bill, as President Clinton has promised. In addition, we may see reductions in fiscal year 2000 funding if we do not give greater emphasis to education as a priority in the current appropriations process.

This is the challenge before us today. Education's share of the Federal budget has declined, and it did not start out at a significant percentage to begin with. Education makes up 2 percent of the fiscal year 1999 budget. Compare this 2 percent with about 15 percent for defense, 22 percent for Social Security, 11 percent for Medicare, and 13 percent for interest on the debt. These numbers are reported by the Committee for Education Funding.

In addition, the Federal share of education funding has declined, falling from 14 percent for elementary and secondary programs in fiscal 1980 to 6 percent in fiscal year 1998. For higher education, the Federal share fell from 18 percent to 12 percent from 1980 to 1998. Because Federal dollars leverage more support for education from other sectors of the economy, we cannot allow the Federal share to dwindle.

We can scarce afford to continue this way and shrink the education dollar if we look at what lies ahead. According to the recent Baby Boom Echo Report from the U.S. Department of Education, total public and private school enrollment in this country has risen to a record 53 million students. Furthermore, between 1989 and 2009, elementary school enrollment will have increased by 5 million children, secondary enrollment by almost 4 million students, and college by 3 million students.

The report lists Hawaii among the top 15 states in enrollment growth. For public elementary and secondary enrollment, in a decade, Hawaii will have 26,000 more students in its schools, reaching 227,000 students. This means 13 percent more students will be in Hawaii's classrooms in 2009 than are there today. Many States are facing similar projections, and there seems to be no end in sight to this growth.

There will be tremendous repercussions from this Baby Boom Echo. One example is in the need for school construction and modernization. Mr. President, in Hawaii, about three in every four schools need to upgrade or repair buildings to good overall condition. More than half of schools report at least one inadequate building feature, whether the roof is leaking, plumbing is not functioning well, or windows are inadequate. In addition, four out of five schools report at least one unsatisfactory environmental factor, such as air quality, ventilation, or lighting. We will need to attend to some or all of these conditions soon as Hawaii continues to feel the impact of increasing enrollments.

Over the next decade, the Hawaii Department of Education estimates that it will need \$1.5 billion for capital improvements. This will include 15 new elementary schools, 2 new intermediate schools, and 2 new high schools. The figure also accounts for 400 new permanent classrooms and \$120 million for building replacement.

In addition, class size will need to be reduced before learning is stifled altogether—this will be had to do with more students in schools. Hawaii's average class size is already in the mid-20s, while the recommended size is 18. These are only a few examples of the need in our public schools that will be heightened by rising enrollments.

It is easy to see why I cannot condone the education cuts that would result if

the tax bill became law. I am not opposed to tax cuts, but committing \$792 billion to tax cuts at this time would lead to serious neglect of this country's greater priorities. In an era of budget surplus, we would have to hang our heads in shame for using funds for tax breaks when problems loom large: Social Security and Medicare need to be made solvent for future decades; the amount we are putting toward interest on the debt must be reduced; and our domestic priorities, including education, must be boosted.

However, the majority's tax plan calls for about 50-percent cuts in non-defense discretionary programs. For education, this means: 6 million children denied extra academic support under Title I funds for the disadvantaged, including 25,000 students in Hawaii; almost 800,000 students denied a Pell grant, including 2,000 in Hawaii; and nearly \$3 billion less in IDEA funding to States, including \$9 million intended for special education in Hawaii. The tax bill would mean a giant step backward for education.

Now, it appears that the majority is going after education funding for the next fiscal year. It is bad enough that the Labor-HHS-Education appropriations bill is often left for last, which means that it picks up "leftovers" after other appropriations bills have been taken care of. This is how we treat a bill that contains programs for the most vulnerable Americans.

We are currently tangling with an even bigger problem with this bill caused by low allocations for the Labor-HHS bill—something which could have been avoided in this era of surplus. In their zeal to keep the budget surplus sacred for tax cuts, my colleagues in the majority capped the Labor-HHS bill at \$73.6 billion. This would translate into a 17-percent cut in overall education funding.

We know that this 17-percent cut will be felt by State and local education agencies, school districts, schools, and classrooms. Its impacts will go directly to our children. The Safe and Drug Free Schools Program will be cut almost \$80 million from current funding, which means a cut of more than \$375,000 from programs in Hawaii's school- and community-based drug education and prevention activities. Looking at title I for the disadvantaged once again, Hawaii would lose more than \$3 million. Hawaii's schools cannot afford this loss in funding. There are additional cuts I could list. The bottom line is that it would be a travesty to see this Congress ravage education funding.

Mr. President, I stand here not only as a Senator representing the people of Hawaii. I stand here as a former teacher, vice principal, principal, and administrator in Hawaii's school system. I remember what it is like to be at the front of a classroom with young faces

and bright eyes eager to learn and looking for guidance. I listened to parents' concerns at PTA meetings. I talked to individual students about a poor academic record, spotty school attendance, or disruptive behavior that made it difficult for others in the class to learn. I remember what it was like being on the front lines of education.

I cannot see any good for the future of our country coming out of these large education cuts. We bemoan problems facing our schools today such as unexpected and shocking incidents of violence. Let us put muscle behind our rhetoric and treat education as a priority by preventing this 17-percent cut.

I ask my colleagues to join me in restoring education as a priority and calling for increases, not huge decreases, in the investment in our country's future. I thank my colleagues for this opportunity to speak on an issue that is near and dear to my heart, and I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to proceed for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUALITY TEACHERS FOR ALL ACT AND THE TECHNOLOGY FOR TEACHING ACT

Mr. BINGAMAN. Mr. President, during the next couple of weeks, I plan to introduce a series of education bills for consideration in the context of reauthorization of the Elementary and Secondary Education Act (ESEA). As you know, one of the most important issues facing America today is improving the quality of our public school system. Improving the quality of education in America requires a comprehensive approach. I believe the basis for that approach must be raising standards and achieving greater accountability. This approach cannot focus on any one facet of our education system but must address all facets. The bills that I will introduce address three key areas; these bills raise standards and improve accountability for our teachers, for our schools and for our students. Today, I am pleased to introduce two bills, which I believe will go a long way towards raising standards for teaching in America's schools—the Quality Teachers for All Act and the Technology for Teaching Act.

Improving teacher quality continues to be one of my top priorities in the Senate, because research demonstrates that teacher quality is the single most important factor in student achievement. The Quality Teachers for All Act will improve instructional quality by ensuring that teachers in Title I classrooms possess the subject matter knowledge, teaching knowledge and teaching skills necessary to work effec-

tively in our nation's classrooms. The Technology for Teaching Act, which I introduce today on behalf of myself, Senator PATTY MURRAY and Senator COCHRAN, will improve the quality of instruction by providing teachers with necessary training in the use of technology in the classroom.

I am a strong supporter of the hard-working teachers in American classrooms. As the son of two teachers, I know that the profession is extremely challenging and meaningful. I also know that the vast majority of our teachers are dedicated, professional and competent. Far too many schools in America, however, allow classrooms to be led by teachers with insufficient training and qualifications to teach. Unfortunately, it is the schools and classrooms with the neediest children who often have the greatest number of unqualified teachers. During a time when we are demanding increased levels of performance for our schools and our children, we also must set high standards for all our teachers, including those instructing students who will have the greatest hurdles to overcome in the learning process.

Improving teacher quality is one of the most important changes we need to make to our educational system—especially if we are serious about improving the education of low-income and minority children. Good teachers are so important that almost half of the achievement gap between minority and white students would be erased if minority children had access to the same quality of teachers, according to recent research published by the Education Trust. Parents, business leaders, and the public at large rank teacher quality as a top concern because it just makes sense that a student's teacher would have a dominant effect on his or her education. The need for further progress in improving teacher quality was recently highlighted in two 1999 studies—one from the Secretary of Education, the other from Education Week.

Over 30 percent of all math teachers are teaching outside of their field of academic preparation—with even higher percentages in other academic areas and in high-poverty schools. Almost 15 percent of the new teachers hired in high-minority districts lack full teaching credentials, which usually involve passing tests to demonstrate needed skills and knowledge. In my home State, during the past school year, 1,074 people were teaching in New Mexico's schools with substandard licenses. Another 737 of New Mexico's teachers were teaching subjects they weren't certified to teach.

The Quality Teachers for All Act addresses this problem by requiring that all teachers in schools receiving Title I funds be fully qualified. This means possessing necessary teaching skills and demonstrating mastery in the subjects that they teach. By ensuring